

SEP 25 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DE SIMONE

Atty. Ref.: 2818-72; Confirmation No. 4379

Appl. No. 10/024,199

Group: 1651

Filed: December 21, 2001

Examiner: Ware

For: COMBINATION OF LACTIC ACID BACTERIA AND ITS USE FOR THE
PREVENTION AND/OR TREATMENT OF INFECTIONS AND
INFLAMMATORY CONDITIONS

* * * * *

September 25, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT AFTER FINAL REJECTION

Applicants hereby submit this in response to the Office Action mailed June 3, 2003 ("Office Action").

A response to the Office Action was originally due September 3, 2003. Applicants hereby petition for a one-month extension of time in which to submit a response or an amendment in response to the Office Action. The fee for a one-month extension of time is \$110 and a check in that amount is enclosed. Therefore, the deadline for responding to the Office Action is now October 3, 2003. Accordingly, this Amendment and Response is being timely filed.

SEP 25 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURESCorres. and Mail
In re Patent Application of **BOX AF** Atty Dkt. 2818-72
C# M#
DE SIMONE
Group Art Unit: 1651

Serial No. 10/024,199

Examiner: Ware

Filed: December 21, 2001

Date: September 25, 2003

Title: COMBINATION OF LACTIC ACID BACTERIA AND ITS USE FOR THE
PREVENTION AND/OR TREATMENT OF INFECTIONS AND INFLAMMATORY
CONDITIONS**Mail Stop AF**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment **19** minus highest number
previously paid for **20** (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment **2** minus highest number
previously paid for **3** (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months) \$ 110.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 110.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 110.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
ARC:eawNIXON & VANDERHYE P.C.
By Atty: Arthur R. Crawford, Reg. No. 25,327Signature: 